

REMARKS

I. STATUS OF THE CLAIMS

Claims 6 and 24-37 are currently pending in this application. The Examiner has restricted and withdrawn claims 29-31 in the Office Action. The Applicant traverses this restriction and withdrawal of claims.

II. APPLICANT TRAVERSE THE RESTRICTION REQUIREMENT PURSUANT TO 37 CFR 1.143

In the Office Action, the Examiner constructively elected Claims 6, 24-28 and 32-37 (hereafter, Group I). The Applicant respectfully traverses this election and requests the Examiner consider claims 29-31 (hereafter, Group II) in addition to the Group I claims.

MPEP §803 provides **two criteria** for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and

(B) There must be a serious burden on the Examiner if restriction is to be required (see MPEP §803.02, §806.04(a) - §806.04(i), §808.01(a) and §808.02).

Applicants traverse the restriction requirement as follows:

(A) Inventions must be independent or distinct criteria:

MPEP 808.01 – Reasons for Holding Independence or Distinctness. The MPEP 808.01 provides:

The particular reasons relied on by the Examiner for holding that the inventions as claimed are either independent or distinct should be concisely stated. A mere statement of conclusion is inadequate. The reason upon which the conclusion is based should be given.

The Examiner failed to provide reasons for holding that claims 29-31 are directed to an invention that is independent or distinct from the invention originally claimed. The Office Action on page 2 merely alleges, “the newly submitted claims are directed to the method claims.” This is a “mere statement of conclusion” and is therefore inadequate.

At least prima facie, the restriction requirement is not proper and the restriction requirement is hereby traversed, because both the Group I and Group II claims are directed to

the same patentable invention. For example, Group I, claim 6, recites in part, "*a detection circuit to determine whether a current flow through the impedance is **load-induced or source-induced***." Similarly, Group II, claim 29, recites in part, "*determining whether the detected current flow is **load-induced or source-induced***." Therefore, the Group II claims are directed to a method of accomplishing the invention in the Group I claims. Thus, the Group I and Group II claims are not directed to two distinct inventions, and the restriction requirement is unreasonable.

(B) Serious burden on Examiner criteria:

The Office Action has not set forth a serious burden on the Examiner to require restriction. Further, in view of the remarks herein, it is submitted that the search and examination can be made without a serious burden - see, MPEP 803.

The Applicants request reconsideration and withdrawal of the restriction requirement. In view of the remarks and when all of the other various facts discussed herein are taken into consideration, it is respectfully submitted that the criteria for a restriction requirement has not been met and all of the pending claims 6 and 24-37 should be examined together in the subject application. Withdrawal of the restriction requirement is respectfully requested.

III. CLAIMS 6, 24 – 26 AND 32 – 35 ARE REJECTED UNDER 35 U.S.C. 102(b) AS BEING ANTICIPATED BY KAWATA ET AL. (US 4,979,066).

The rejection is respectfully traversed and reconsideration is requested.

The Examiner asserts on page 3 of the Office Action that Kawata et al. (Kawata) discloses *a detection circuit to determine whether a current flow through the impedance is load induced or source induced*, as recited, for example, in claim 6. (citing column 3, lines 35 – 38 of Kawata). However, the cited passage only discloses a "diagnostic circuit for diagnosing the load malfunction conditions based upon a detection signal for both such a load current and a load voltage." In contrast, Kawata discloses a method of detecting the magnitude of a current drawn by a load with respect to an anticipated "normal" or "desired" current. (see column 3, line 33 – column 4, line 61). Current here serves as an analog for power for the purposes of regulating power flows from a single source into multiple loads. (see column 3, line 33 – column 4, line 61). Kawata does not provide any details as to whether *a current flow through the impedance is load-induced or source-induced*, as recited, for example, in claim 6.

The Examiner further asserts, Kawata discloses *a processing circuit to perform an*

operation based upon whether the current flow is load induced or source induced, as recited, for example, in claim 6. (citing column 6, lines 50-55 of Kawata). The cited passage, however, discloses “a control signal ‘a’ represents a time period during which power is supplied to the load 1 series-connected to this transistor and power supply apparatus (not shown), or a current value.” Kawata does not teach *a processing circuit to perform an operation based upon whether the current flow is load-induced or source-induced*, as recited, for example, in claim 6.

Next, the Examiner points to the current detecting circuit and the diagnostic circuit of figure 1 in Kawata to assert Kawata teaches the *source is the measuring instrument*, as recited, for example, in claim 6. However, figure 1 of Kawata clearly indicates the power source V is supplied through the drive circuit (3) which supplies a signal to the current detecting circuit 2 and the control circuit 4. (see figure 1 and abstract). Therefore, the power source V in Kawata is not a measuring instrument. The current detecting circuit and the diagnostic circuits of Kawata are not the same as to the *source*, as recited, for example, in claim 6.

Kawata clearly does NOT anticipate the present invention, because Kawata fails to disclose or suggest all the features of the present invention as recited, for example, in claim 6.

Although the above comments are specifically directed to claim 6, it is respectfully submitted that the comments would be helpful in understanding various difference of various other claims over the cited reference.

IV. ALLOWABLE SUBJECT MATTER

Claims 27, 28, 36 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

V. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Respectfully submitted,

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